

## REMARKS

### Summary

Claims 1, 2 and 4-13 were pending. Claims 1, 2, 4-9 and 11-13 were rejected and Claim 10 was objected to in the present Office action. Claim 4 has been amended to correct a minor informality objected to by the Examiner. No new matter has been added. The Applicant has carefully considered the references and the reasons set for the rejections and respectfully traverses the rejection of the claims on the basis that a *prima facie* case of anticipation or obviousness has not been made out.

### Claim Rejections

#### **35 U.S.C. § 102(b)**

Claims 1, 2, 4, 5, 7-9 and 11-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Khutoryansky et al. (US 5,636,259; "Khutoryansky").

Amended Claim 1 recites, *inter alia*, a support arm fixedly secured about a horizontal axis to the mounting device, such that the x-ray source is secured, rotatably about a substantially horizontal axis, to the support arm, such that a lower edge of the x-ray source is disposed below the lower edge of the support arm and the lower edge of the mounting device, independently of an x-ray source angle of rotation about the horizontal axis.

The Examiner asserts that Khutoryansky teaches "a lower edge of the x-ray source [112] is disposed below the lower edge of the support arm (fig. 2, lower edge of #278) and the lower edge of the mounting device (fig. 3, lower edge of #276), independently of an x-ray source angle of rotation about the horizontal axis (figs. 8-13, #112)."

Fig. 3 of the reference shows an exploded view of the x-ray source [112] and an associated drive mechanism [270] for rotating the x-ray source [112] about a horizontal axis B. The X-ray source [112] is shown horizontally disposed, and positioned such that the x-radiation is emitted downward. The axis of rotation B passes through bearing a [296] locating the axis of rotation B as passing through the hole in the upper portion of

the support arm [284]. The x-ray tube [158] appears to be positioned near element [306] when the device is assembled.

When the x-ray source [112] is rotated about axis B, the upper surface of the housing (the portion having the numeral 310 superimposed thereon) tilts and, when the rotation angle is 180°, the upper surface of the housing faces downward. In this position it would appear, from the relative dimensions of the drawing that the upper surface of the housing, when in this position, is higher than the lower surface the support arm [278]. As such, Fig. 3 does not support the Examiner's position that the "a lower edge of the x-ray source is disposed below the lower edge of the support arm, independently of an x-ray source angle of rotation about the horizontal axis" since, in at least some rotational aspects, the condition is not demonstrably satisfied. With respect to Figs. 8-13 of the reference, there is no illustration of the 180° rotation angle, and the comparison suggested by the examiner cannot be made. This is true even with respect to [158], which has a different apparent relationship to [112] than shown in Fig. 3. In none of the Figs. 8-13 can the lower edge of the support arm be discerned. Therefore, these figures do not provide support for the Examiner's assertion. Such an assertion is at best ambiguous, and may not be the basis for a rejection.

Thus, it may fairly be said that Khutoryansky does not teach or suggest the limitation of Claim 1 as recited above, and that a *prima facie* case of anticipation has not been made out. Claim 1 is therefore allowable as are Claims 2, and 4-10 which are dependent thereon.

Claim 11 recites a limitation similar to that in Claim 1 and is allowable for the same reasons. Claims 12 and 13 are claims dependent on an allowable claim and are allowable, without more.

### **35 U.S.C. § 103(a)**

Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Khutoryansky as applied to Claim 1, and further in view of Horbascheck (US 2002/0118793; "Horbascheck"). Nothing in Horbascheck is cited to overcome the

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deficiencies in the rejection of Claim 1, and Claim 6 is allowable, without more, as being dependent on an allowable base claim.

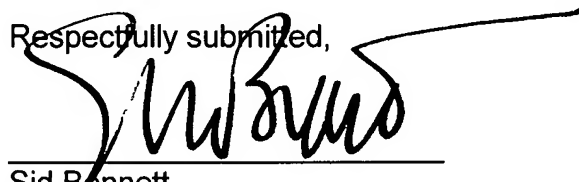
**Conclusion**

Claims 1, 2 and 4-13 are pending.

For at least the reasons given above, the Applicant respectfully submits that the pending claims are allowable and looks forward to the early issuance of a Notice of Allowance.

The Examiner is respectfully requested to contact the undersigned in the event that a telephone interview would expedite consideration of the application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Sid Bennett', written over a horizontal line.

Sid Bennett  
Registration No. 53,981  
Agent for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200